

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Case: 19-10012

Chief Jurist **ILYA LIVIZ Sr.**, of) "The judiciary is a unique branch of government
the National Academy for Jurists, on behalf) which relies on its officers for self-regulation, and
of himself and all others similarly situated,) maintenance of administration by claims of action
Plaintiff,) Ethics require this jurist to initiate litigation."¹
) - Dr. Ilya Liviz D.L.D.
v.) **FOR THE PEOPLE**
) by
) **JURIST FOR JUSTICE**
Chief Justice **JOHN G. ROBERTS Jr.**, of)
the Supreme Court of the United States, in)
his official capacity as Chief Administrative) To: Ilya Liviz Jr.
Officer for the Administrative Office) Son you are lucky to be born in America; the
of the United States Courts; and Chief) greatest country on earth, *inter alia*, guarantees
Justice of the Supreme Court of The) you certain rights the government can't violate nor
United States of America,) deprive because they are secured by our nation's
Defendant,) constitution - a document worth dying for!

"COURTS SHOULD DECIDE CASES ON THE MERTIS AND ALWAYS STRIVE TO MAINTAIN JUSTICE BY APPLYING ITS BEST EFFORT TO FIND THE TRUTH" -ilva liviz

**[VERIFIED] NATIONAL COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF
PURSUANT TO VIOLATION OF DUE PROCESS & EQUAL PROTECTION OF LAWS**

Chief Justice of SCOTUS plays a great role in how the cases are processed by the court. Instead of "recognizing" that the court has to make the necessary changes to accommodate the flow of cases, the Chief Justice maintained the same day-in and day-out functions of the court as his predecessors had done without change; an omission of his duties, *inter alia*, blatant violation of equal protection and right to access to the court. The "outdated" problem can easily be fixed with recruitment of additional court officers, *exempli gratia*, clerks and staff counsel could be hired to render decisions. The SCOTUS rules, as presently written, violate American citizens' rights. Our country is exponentially changing with its technologically driven modernization; the court requires leadership that is mindful of these changes and is able to make the necessary orders to "keep up" with the demands of the people - the U.S. Constitution demands it!


¹ "The legal profession is largely self-governing." See S.J.C. Rules of Professional Conduct, Rule 3:07, Preamble, at no. 9, including amendments effective March 1, 2018. "An independent legal profession is an important force in preserving government under law, for abuse of legal authority is more readily challenged by a profession whose members are not dependent on government for the right to practice." See *ibid.* at no. 10. See also ABA Rules of Professional Conduct, Preamble, at no. 6; "... all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest."

Chief Jurist Ilya Liviz D.L.D.
of National Academy for Jurists²
advocating for Civil Rights and Civil Liberties with
specialized focus on administration of justice within the judiciary;
Jurists for Justice of United States of America.

- 01/03/2019 -

WE THE PEOPLE VS. JUDICIAL KINGS

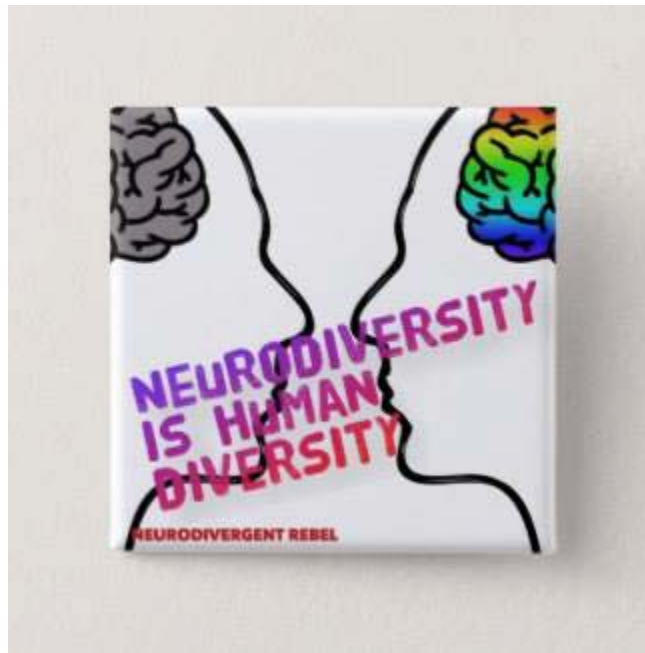
for the people **Chief Jurist** takes on the **Chief Justice** in a
national action for **Due Process** right to equal access to court
by advocating **Civil Rights** in association with **Civil Liberties**
written by Chief Jurist **Ilya Liviz Sr.** inspired by **True Events** and
presented in **U.S. District Court** for the **District of Massachusetts** for
violating **Amends. I, III, V, VI, IX, X & XIV & Civil Right Act** of
Article III, § 1 requisite maintenance of **Good Behavior** against
Chief Justice **John Robert Jr.** of **SCOTUS** in I am **All In** Production
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² Non-profit authority (pending accreditation application to be submitted) dedicated to
administration of justice that is fair and just equally for all; with strict adherence to jurist's Core
Values - *Jurists* for Justice. www.NAFJ.US

ACKNOWLEDGEMENT

The halls of justice should not fear, but welcome transparency; healthy debate is not possible without free flow of speech and expression. The more minds we have looking over any topic or issue the more likely we are to arrive at a correct decision. Justices should not be afraid to have their decision-making reviewed or evaluated; we are all fallible and science teaches us we should be open minded to learning new things every day. The Government in The Sunshine Act³ approved unanimously by Congress, reminded our nation of how important you are; you are a branch of the people, by the people, and for the people - God Bless You!



Please Be Mindful; If The People Were As Good As You Are They Would Have Your Job -
Exceptions For Our People Are Warranted!

GOD BLESS AMERICA

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all." *See* 4 U.S.C. § 4.

³ *See* 5 U.S.C. 552(b), Pub. L. 94-409, 90 Stat. 1241 (1976) ("Government in the Sunshine Act")

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ACRONYMS & DEFINITIONS

Acronym	Definition/Explanation
Boom	Interchangeable with "emphasis" preferred by modern American <i>jurist</i> , inter alia, utilizes less letters and still achieves same, if not better effect.
Real talk	Emphasis on text that is a topic in itself; presence of collateral issue or idea that is worthy of its own separate analysis or discussion.
D.L.D.	Acronym of latin expression for <i>De legibus Lex Doctorate</i> , which translates to a law doctorate of laws, awarded by National Academy For Jurists, with specialization concerning administration of justice within the judiciary, and adherence of Core Values. See www. NAFJ.US
Emphasis	bolding, italicizing, or underlining emphasis of writer
<i>Exempli Gratia</i>	Means for example in Latin; functions to introduce to a reader an example or list of examples are to follow.
Jurist	Legal expert in and writing of law.
<i>Jurist</i> for Justice	Jurist specializing in administration of justice within the judiciary.
<i>Id est</i>	Means in other words in Latin; functions to re-state the main point or meaning by summation or in different words.
<i>Liviz</i> Judicial Immunity Doctrine	Five-part test for universally applicable invalidation of judicial immunity when alleged injury is: 1) repugnant to the constitution; 2) independent and non-derivative to litigants' case of controversy; 3) foreknown; 4) unavailability of redress; 5) absence of representational standing.
NAFJ	National Academy For Jurists, a privately owned non-profit authority granting the <i>De legibus Lex Doctroate</i> ("D.L.D.") with a new specialization concerning administration of justice within the judiciary.
Prophylactic motion	a universally applicable motion filed for precautionary measure to avoid possible delay or piecemeal handling of matters before the court by advance filling; needed for protection against erroneous court adjudication/practice or courts' procedural laws.

PART I: SUBJECT MATTER JURISDICTION

I. SYNOPSIS

1. The Chief Justice has a role that goes beyond simply determining parties rights in cases before the court; plenty of legal scholars can do that. Additional duties also entail to anticipate and rectify system-wide issues within the administration of the courts nationally. Presently SCOTUS rules and policies are outdated and deprive citizens of this great nation of due process that is guaranteed by the U.S. Constitution. Moreover, our national economy is negatively impacted by the present state of the court system's procedural "logic", which pursuant to the separation of powers, is dependent upon the Chief Justice to recognize, evaluate, and cure. Legal opinions have to be mindful exceptions there-in may have unforeseen and unwanted deleterious effects on collateral matters which will not rectify themselves until standing by injury presents itself and in-turn creates a long line of injured litigants offended by the judiciary. Recruitment of additional staff members should have been done yesterday to offer redress to all litigants that come to SCOTUS for help. There is always a solution if you look hard enough; deprivation of citizens' fundamental rights should be of last resort. This *jurist* for justice, pursuant to Jurist's Core Values, has a duty to correct the omissions and oversight; you serve us - for liberty!

II. PARTIES

2. Plaintiff Chief Jurist Ilya Liviz D.L.D. ("Jurist Liviz."), is an individual and a citizen of the United States of America residing within the Middlesex County in Lowell, Massachusetts. A practicing attorney and Chief Jurist of National Academy for Jurists ("NAFJ") a non-profit authority granting *De Lex Doctorate* ("D.L.D.") The Doctorate of Law for *jurists* for justice (accreditation application submission pending), founded upon Jurist Liviz's vision and passion to preserve civil rights, civil liberties, equal protection of the laws, and maintenance of judicial administration that is fair and just for all.
3. Defendant Honorable Chief Justice John G. Roberts Jr., ("Justice Roberts.") of the Supreme Court of the United States ("SCOTUS"), in his official capacity as Chief of Administrative Office of the United States Courts ("AO"), headquartered in Thurgood Marshall Federal Judiciary Building Washington D.C. and as Chief Justice of SCOTUS located at 1 First Street, Northeast Washington, D.C.. is being named in his official capacity; a position with which comes responsibility and accountability for alleged system-wide defects.

III. POLITICAL QUESTION

4. "The Constitution has left the performance of many duties in our governmental scheme to depend on the fidelity of the executive and legislative action and, ultimately, on the vigilance of the people in exercising their political rights." *See Colegrove v. Green*, 328 U.S. 549 (1949).
5. This National Civil Action alleges discriminatory conduct limited to the judiciary branch of government, *inter alia*, petitions for writs of certiorari selection during conferences violate

due process access to courts and equal protection rights which are determined in secretive proceedings hidden from public view and as of present, "...lack of judicially discoverable and manageable standards for resolving it...". *See Baker v. Carr*, 369 U.S. 186 (1962).

6. This federal district court should assert its jurisdiction; "... there should be no dismissal for nonjusticiability on the ground of a political question's presence. The doctrine of which we treat is one of "political questions," not one of "political cases." The courts cannot reject as "no law suit" a bona fide controversy as to whether some action denominated "political" exceeds constitutional authority." *See Baker v. Carr*, 369 U.S. 186 (1962).

IV. JURISDICTION

7. SCOUTUS has only appellate jurisdiction on matters concerning law and fact. *See* Art. III, in § 2, at ¶ 2. The district courts shall have original jurisdiction of all civil actions arising under the Constitution or act of Congress. *See* 28 U.S.C. §§ 1331, & 1343(a)(3).⁴
8. "The district courts shall have original jurisdiction of any civil action or proceeding arising under any Act of Congress regulating commerce or protecting trade and commerce against restraints and monopolies...". *See* 28 U.S.C. § 1337(a).
9. Venue is proper in this district because multiple defendants reside in this district and because a substantial part of the events or omissions giving rise to the claims alleged herein affected individuals in this district. *See* 28 U.S.C. § 1391(b)(1), (2).

V. DECLARATORY & INJUNCTIVE RELIEF

10. This Honorable Court is able to issue its Declaratory Judgment pursuant to 28 U.S.C. §§ 2201-02, implemented through Fed. R. Civ. Pro. R 57, and to issue the preliminary and permanent injunctive relief pursuant to Fed. R. Civ. Pro. R. 65 at its earliest convenience.
11. Congress has granted litigants private right of action against judges; "... any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable." *See* 42 U.S.C. § 1983.⁵
12. There is no encroachment of powers because Congress "... does not deprive courts of their adjudicatory role." *See Miller v. French*, 530 U.S. 327 (2000)

⁴ This action is initiated pursuant to violation of 1st, 5th, 6th, 9th, 10th, & 14th Amendments to the U.S. Constitution's for deprivation of fair and meaningful access to the court, and pursuant to Civil Rights Act. If however, this court, *inter alia*, is not able to maintain this action pursuant to constitutional grounds, Liviz reserves the right to amend the complaint, as necessary, to enforce rights as relator pursuant to False Claims Act, or other Act of Congress. based on violations that fall under Federal Tort Act with jurisdiction under 28 U.S.C. § 1343(a)(3).

⁵ *See* Pub. L.104-317, title III, at §309(c) (1996).

VI. JUDICIAL IMMUNITY

13. This civil action is actionable pursuant to **administrative denial** to Due Process right to access to fair and meaningful court of law without touching upon any adjudicative function; the Chief Justice is sued in his nonadjudicatory administrator of courts role to which judicial immunity does not apply. *See Supreme Court of Virginia v. Consumers Union of America, Inc.*, 446 U.S. 719 (1980) (Supreme Court Judges were properly named as defendants in their nonadjudicatory capacity).
14. Justice Robert is immune from civil liability, pursuant to [proposed] Liviz Judicial Immunity Doctrine, *inter alia*, there is lack of absence of representational standing, *id est*, the claim is available to other litigants who also were denied due process access to the court of law for redress of a wrong - injury by denial to court is national .⁶

VII. JUDICIAL REVIEW

A. Definitions

15. While the main cause of action for this complaint is Due Process deprivation of access to a court of law (SCOUTS), alternatively there is availability of judicial review of an administrative agency pursuant to Chapter Seven (7) of the Government Organization and Employees Act.⁷ *See* 5 U.S.C., §§ 701-706. (Does not apply to courts *see infra*.)
16. Courts are not reviewable because they don't fall under the agency definition. *See* 5 U.S.C., § 701(b)(1)(B). However, the suit is also brought against Justice Roberts in his official position as head of the AO which this jurist claims are not "courts" and fall under administrative agency. If that argument is not accepted, than Justice Roberts can be reviewed as a "person" in his official capacity; a *person* - meaning given him by § 551 of this title. *See* 5 U.S.C., § 701(b)(2). *A person includes an individual, partnership, corporation, association, or public or private organization other than an agency. See* 5 U.S.C., § 551(2) (Boom.)

⁶ *LIVIZ JUDICIAL IMMUNITIY DOCTRINE*: Thorough review of case-law on judicial immunity, allowed this *jurist* to deduce a simple way to test for presence of judicial misconduct that warrants civil liability without changing the law. Focus is placed on injury instead of judicial conduct with a five-part test for universally applicable invalidation of judicial immunity based on judicial conduct: 1) repugnant to the constitution (no one is above the constitution); 2) independent injury by Judge that is non-derivative to litigants' case of controversy (non-obvious way to address subject matter jurisdiction); 3) injury foreknown (targets malice); 4) unavailability of redress to judicial injury (if you fix it, it is no longer broken); 5) absence of representational standing (differentiates possible exercise of usurp authority with malice against an individual versus the highly unlikely decision-making to injure the populace).

⁷ *See* Pub. L. 89-554 (1966).

17. A party includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes. *See* 5 U.S.C., § 551(3)
18. "[R]ule' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing". *See* 5 U.S.C., § 551(4).
19. "[R]ule making' means agency process for formulating, amending, or repealing a rule". *See* 5 U.S.C., § 551(5).
20. "[O]rder' means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing". *See* 5 U.S.C., § 551(6).
21. "[A]djudication" means agency process for the formulation of an order". *See* 5 U.S.C., § 551(7).
22. "[L]icense' includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission". *See* 5 U.S.C., § 551(8);
23. "[L]icensing' includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license". *See* 5 U.S.C., § 551(9).
24. "[S]anction" includes the whole or a part of an agency—(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person; (B) withholding of relief; (C) imposition of penalty or fine; (D) destruction, taking, seizure, or withholding of property; (E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees; (F) requirement, revocation, or suspension of a license; or (G) taking other compulsory or restrictive action". *See* 5 U.S.C., § 551(10)(A)-(G).
25. "[R]elief" includes the whole or a part of an agency—(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy; (B) recognition of a claim, right, immunity, privilege, exemption, or exception; or (C) taking of other action on the application or petition of, and beneficial to, a person". *See* 5 U.S.C., § 551(11)
26. "[A]gency proceeding' means an agency process as defined by paragraphs (5), (7), and (9) of this section". *See* 5 U.S.C., § 551(12).

27. “[A]gency action’ includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act”. *See* 5 U.S.C., § 551(13).
28. “[E]x parte communication” means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.” *See* 5 U.S.C., § 551(14).

B. Establishment of Negotiated Rulemaking Committee

29. Definitions are the same meaning as in §551 of this title as defined in A. Definitions *supra*. *See* 5 U.S.C., §§ 562(1)-(11).
30. Use of convener can assists with negotiated rulemaking. *See* 5 U.S.C., §§ 563(b)(1) & (2).

VIII. CASE OF CONTROVERSY CONCEPTS

31. Note: the presentment of Due Process Deprived Victim and [Proposed] *Liviz* Judicial Immunity Doctrine are not a "creation" of this *jurist*, nor a change to the present state of law; it is law that is already in place but presented here differently, *id est*, same thing but said differently.

A. Due Process Deprived Victim

32. A Congresswoman (seen on Youtube) asked a great question; how can Originalism/Textualism work if the constitution only refers to "men" without identifying a distinction to "women"? An excellent question, with a simple answer; the focus should not be on identification of "man" versus "woman" (they are different and same in their own special way)⁸ but instead identification should be on the facts causing case and controversy which gives rise to a claim of injury for a victim - an allegation of deprivation of due process (5th/14th Amendment). *See* [Proposed] Due Process Deprived Victim *infra*.

DUE PROCESS DEPRIVED VICTIM

33. The U.S. Constitution does not change, and unless there is an amendment, people should find security in preservation of their guaranteed rights. But, with the advent of technology and modernization, new facts are being discovered at an exponential rate; many of these facts were not available to our framers. However, you should not worry, because the constitution offers us due process protections, *exempli gratia*, it is not whether a man and a woman are "different" that should be considered or applied to the constitution, but, focusing on the facts that create case and controversy, which always presents itself with a **victim**.

⁸ Laws can be passed with benefits as long such law does not create a claim of victim. *See* Due Process Amalgamation Theory.

34. To simplify, in the context of discriminatory unfair treatment of women compared to men, it would have been more appropriate to recognize that a woman is able to do a man's job, and to deny a woman to do a job of her choosing not only hurts her, but hurts the overall function of the community and in turn hinders our nation's economy; facts that were not fully understood nor appreciated in the past. Looking back on our history we can identify the progression of our case-law with one common theme; there is a **victim** that is claiming unjust treatment or application of the laws based on differences, whatever they may be, *exempli gratia*: 1) race based citizenship (1856);⁹ to 2) racial segregation (1956);¹⁰ to 3) anti-miscegenation laws (1967);¹¹ to 4) gender-based distinction (1975);¹² to 5) present cases concerning gender identification; and 6) anticipated in the future cultural or politically correct distinctions.
35. Due Process Deprivation Victim, can be anyone by showing class based and other identification based discrimination through due process deprivation; perfect union requires harmonious equilibrium of due process distribution - a state of due process amalgamation. Lady Justice is blindfolded for a reason; she is not looking at who/what you are, but the victim created through case and controversy injury - unequal application or protection of the laws. The **victim before you is we the people**; selecting one case over another is unjust, and far from equal application and protection of laws - all deserve access to court of law for redress of a wrong.
36. Wrongs against the people almost always come up as an issue to consider before the courts way before the legislature, nor the president, would have a chance to correct it; in *Plessy v. Ferguson*, a plain reading of the Louisiana statute shows the law to be racially neutral - it is important to keep an open mind of the alleged wrong.

B. [Proposed] Liviz Judicial Immunity Doctrine

[PROPOSED] LIVIZ JUDICIAL IMMUNITY DOCTRINE

37. Thorough review of case-law on judicial immunity, allowed this *jurist* to deduce a simple way to test for presence of judicial misconduct that warrants civil liability without changing the present state of the law.
38. Instead of looking at the judicial conduct, the universally applicable five-part test for invalidation of judicial immunity looks at the alleged injury : 1) repugnant to the

⁹ See *Dred Scott v. Sandford*, 60 U.S. 393 (1856) (regarded as one of the worst decisions).

¹⁰ See *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) (correcting separate but equal doctrine of *Plessy v. Ferguson*, 163 U.S. 537 (1896)).

¹¹ See *Loving v. Virginia*, 388 U.S. 1 (1967) (Inter-racial marriage laws are unconstitutional.)

¹² See *Weinberger v. Wiesenfel*, 420 US 636 (1975) (Justice Ruth Bader Ginsburg in her opposition to protective legislation based on sex, paraphrased Senior Judge Burnita Shelton Mathew, by correctly stating it fortifies the harmful assumption that to labor for pay is a prerogative of the man; a statement that has profound significance.)

constitution (constitution expressly protects); 2) independent injury by Judge that is non-derivative to litigants' case of controversy (non-obvious way to address subject matter jurisdiction); 3) injury foreknown (targets malice); 4) unavailability of redress to judicial injury (if you fix it, it is no longer broken); 5) absence of representational standing (another non-obvious way to differentiate malice exercise of usurp authority against a litigant versus unprovable situation involving a populace; you can't enforce something that you can't prove).

39. Instead of looking at the judicial conduct, the five-part test for universally applicable invalidation of judicial immunity when alleged injury is: 1) repugnant to the constitution (no one is above the constitution); 2) independent and non-derivative to litigants' case of controversy (non-obvious way to address subject matter jurisdiction); 3) foreknown (targets malice); 4) unavailability of redress (if you fix it, it is no longer broken); 5) absence of representational standing (another non-obvious way to differentiate malice exercise of usurp authority against a litigant versus unprovable situation involving a populace; you can't enforce something that you can't prove). (Boom.)

PART II: JUDICIARY GOVERNANCE & FUNCTION

I. UNITED STATES COURTS

40. SCOUTUS is the nation's highest court. "There are 13 appellate courts that sit below the U.S. Supreme Court, and they are called the U.S. Courts of Appeals. The 94 federal judicial districts are organized into 12 regional circuits, each of which has a court of appeals. The appellate court's task is to determine whether or not the law was applied correctly in the trial court. Appeals courts consist of three judges and do not use a jury."¹³
41. "In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws, and cases decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims."¹⁴
42. "Bankruptcy Appellate Panels (BAPs) are 3-judge panels authorized to hear appeals of bankruptcy court decisions. These panels are a unit of the federal courts of appeals, and must be established by that circuit. Five circuits have established panels: First Circuit, Sixth Circuit, Eighth Circuit, Ninth Circuit, and Tenth Circuit."¹⁵
43. "There are also two special trial courts. The Court of International Trade addresses cases involving international trade and customs laws. The U.S. Court of Federal Claims deals with most claims for money damages against the U.S. government."¹⁶

¹³ See <https://www.uscourts.gov/about-federal-courts/court-role-and-structure>

¹⁴ See *id.*

¹⁵ See *id.*

¹⁶ See *id.*

44. "Congress created several Article I, or legislative courts, that do not have full judicial power. ... Courts are: U.S. Court of Appeals for Veterans Claims, U.S. Court of Appeals for the Armed Forces, and U.S. Tax Court."¹⁷

II. SUPREME COURT OF THE UNITED STATES

A. Composition

45. SCOTUS is a single court made up of nine members; "... a Chief Justice of the United States and eight associates justices, any six of whom shall constitute a quorum." *See* 28 U.S.C., § 1.
46. "The Supreme Court shall hold at the seat of government a term of court commencing on the first Monday in October of each year and may hold such adjourned or special terms as may be necessary." *See* 28 U.S.C. § 2
47. "Whenever the Chief Justice is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the associate justice next in precedence who is able to act, until such disability is removed or another Chief Justice is appointed and duly qualified." *See* 28 U.S.C. § 3.
48. "Associate justices shall have precedence according to the seniority of their commissions. Justices whose commissions bear the same date shall have precedence according to seniority in age." *See* 28 U.S.C. § 4.
49. "Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: 'I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. So help me God.'" *See* 28 U.S.C. § 453.

B. Duties of the Chief Justice

1. Government & Judiciary Operation

50. "When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present." *See* Art. I, in § 3.
51. The Chief Justice has authority over for court/building operations: Clerk's office hours of operations (SCOTUS Rule 1, at no. 3); Library hours of operations (*id.* Rule 2, at no. 2); order Court closing (*id.* Rule 30, at no. 1).

¹⁷ *See id.*

52. The Chief Justice has authority to set the cost of admission to the bar, related purposes, and manner of its collection. *See* SCOTUS Rule 5, at no. 5.
53. The Chief Justice, with the consultation of the Judicial Conference, appoints the Director and a Deputy Director of the Administrative Office of the United States Courts. *See* 28 U.S.C. § 601.
54. The Chief Justice shall submit to Congress an annual report of the proceedings of the Judicial Conference and its recommendations for legislation. *See* 28 U.S.C. § 331.

2. Judges & Case Redress

55. “Based on court needs, or presentment of certificate of necessity, Chief Justice is able temporarily designate and assign circuit judges to other circuits. *See* 28 U.S.C. § 291(a).
56. The Chief Justice provides consent for assignment and reassignment of judges within the federal courts and to respective compact state requests. *See* 28 U.S.C. Chapter 13 et seq.
57. The Chief Justice maintains a roster of retired judges known as senior judges, who he is able grant authority to perform judicial duties (28 U.S.C. § 294(a)) through designation or assign to a court in need, or when responding to presentment of certificate of necessity by chief judge from lower courts. *See* 28 U.S.C. § 294(d).
58. The Chief Justice plays key role in leadership and decision/making concerning expediency of case resolve, availability of redress in a court of law, costs and fees, availability of resources, handling of case and controversy, spirit and observance of individual rights and liberties of the people, through rule making. *See e.g.* 28 U.S.C. § 2071.
59. The Chief Justice has authority to processing application for single justice arising out of Armed Forces (SCOTUS Rule 22, at no. 3) and processing application to single justice when the circuit judges are unavailable (*ibid.*).

3. Court Administration & Committees

60. The Chief Justice is the permanent Chairman of the Board for Federal Judicial Center; he is able to schedule special meeting that are additional to the regular quarterly meetings. *See* 28 U.S.C. §§ 621(a)(1) , and 622(a).
61. The Chief Justice appoints the Chairman and two other members of the board for the Federal Judicial Center Foundation. *See* 28 U.S.C. § 629(b).
62. "The Chief Justice of the United States shall summon annually the chief judge of each judicial circuit, the chief judge of the Court of International Trade, and a district judge from each judicial circuit to a conference at such time and place in the United States as he may designate. He shall preside at such conference which shall be known as the Judicial Conference of the United States. Special sessions of the Conference may be called by the

Chief Justice at such times and places as he may designate." *See* 28 U.S.C. § 331. *See also* III. Administration of Courts *infra*.

63. "The Chief Justice appoints the committee members whose terms are limited to no more than six years. Committee members receive no payment for their service. Unlike other Judicial Conference committees, the rules committees include not only federal judges, but also practicing lawyers, law professors, state chief justices, and high-level officials from the Department of Justice and federal public defender organizations."¹⁸
64. "Each committee also relies heavily on the services of its "reporter." The reporters are prominent law professors, who are the leading experts in their respective fields. Each has been appointed by the Chief Justice. The reporters research the relevant law and draft memoranda analyzing suggested rule changes, develop proposed drafts of rules for committee consideration, review and summarize public comments on proposed amendments, and generate the committee notes and other materials documenting the rules committees' work."¹⁹

III. ADMINISTRATION OF COURTS

A. Judicial Conference

65. The conference shall also carry on a continuous study of the operation and effect of the general rules of practice and procedure now or hereafter in use as prescribed by the Supreme Court for the other courts of the United States pursuant to law. Such changes in and additions to those rules as the conference may deem desirable to promote simplicity in procedure, fairness in administration, the just determination of litigation, and the elimination of unjustifiable expense and delay shall be recommended by the conference from time to time to the Supreme Court for its consideration and adoption, modification or rejection, in accordance with the law. *See* 28 U.S.C. § 331.
66. "The Conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment of judges to or from circuits or districts where necessary. It shall also submit suggestions and recommendations to the various courts to promote uniformity of management procedures and the expeditious conduct of court business." *See* 28 U.S.C. § 331, at ¶ 4.

B. Federal Judicial Center

67. "There is established within the judicial branch of the Government a Federal Judicial Center, whose purpose it shall be to further the development and adoption of improved judicial administration in the courts of the United States." *See* 28 U.S.C. § 620(a).

¹⁸ *See* <https://www.uscourts.gov/rules-policies/about-rulemaking-process/committee-membership-selection>

¹⁹ *See id.*

68. It plays a role in developing and conducting research to produce data from which administrative policy and rules are to be developed; results and evaluations are presented for consideration to the Judicial Conference of the United States. *See* 28 U.S.C §§ 620(b)(1)-(6).
69. "By statute, the Chief Justice of the United States chairs the Center's Board, which also includes the director of the Administrative Office of the U.S. Courts and seven judges elected by the Judicial Conference. The Board appoints the Center's director and deputy director; the director appoints the Center's staff."²⁰ *See* 28 U.S.C. §§ 621(a)(1)-(3).
70. "There is established a private nonprofit corporation which shall be known as the Federal Judicial Center Foundation ... and which shall be incorporated in the District of Columbia. The purpose of the Foundation shall be to have sole authority to accept and receive gifts of real and personal property and services made for the purpose of aiding or facilitating the work of the Federal Judicial Center." *See* 28 U.S.C. § 629.²¹

C. Administration of Courts

71. " The Administrative Office of the United States Courts is the agency within the judicial branch responsible for providing the broad range of managerial and program support necessary for federal courts throughout the country. " *See* Chief Justice John Roberts, *Year-End Report on the Federal Judiciary*, p. 3, at ¶ 1 (2017).²²
72. In case there is an emergency, or other unexpected calamity; " ... [t]he Administrative Office has established an Emergency Management and Preparedness Branch that maintains continuity of operations programs within that agency and provides training and consulting functions..." (*ibid*) *exempli gratia*, in case the court house must be shut down; "[t]he Administrative Office's national support system includes the provision of remote information technology resources." *See id.* p. 5, at ¶ 2.
73. Provides; "... accounting, disbursing, auditing, and other fiscal services for the Federal Judicial Center. *See* 28 U.S.C. §§ 621(a)(1)-(3).

D. Committee on Codes of Conduct

74. "The Judicial Conference has authorized its Committee on Codes of Conduct to render advisory opinions about this Code only when requested by a judge to whom this Code applies." *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 2, at ¶ 2. (Mar. 20, 2014).

IV. ETHICS & JUDICIAL CONDUCT

²⁰ *See* <https://www.fjc.gov/about>

²¹ *See* Pub. L. 100-702, at § 301(a) (Nov. 19, 1988).

²² *See*

https://www.uscourts.gov/sites/default/files/workplace_conduct_working_group_final_report_0.pdf

75. Note: some code of conduct may be in conflict with the U.S. Constitution, *exempli gratia*, regulating public speech that is neutral in nature, placing limitation on judge representing their significant other, *etcetera*. Having said that; it is a good idea to have it as is (on the stricter side) to avoid a debate/trial on whether the speech had appearance of impartiality or other violation.

A. Code of Conduct

76. "The Code of Conduct for United States Judges was initially adopted by the Judicial Conference on April 5, 1973, and was known as the 'Code of Judicial Conduct for United States Judges.' Since then, the Judicial Conference has made several changes to the Code." *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 1, at Introduction *infra*. (Mar. 20, 2014) (internal citation omitted).
77. The Code of Conduct is made of the following parts: introduction; five (5) canons, with commentary; compliance with the Code of Conduct (Part-time Judge, Judge Pro Tempore, and Retired Judge); and applicable date of compliance. *See ibid. supra*.
78. "... the Code is not designed or intended as a basis for civil liability or criminal prosecution. ... the Code is not intended to be used for tactical advantage." *See id.* p. 3, in ¶ 3.
79. "'proceeding' includes pretrial, trial, appellate review, or other stages of litigation." *See id.* p. 9, at (d).

B. Mandatory Recusal

80. "Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." *See* 28 U.S.C. § 455. *See also* ABA Code of Judicial Conduct, Rule 2.2; "[a] judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially."
81. If the judge has a any relationship (familial, friendship, colleague, other) with any of the litigants, witnesses, attorneys, or other type of interest such as financial interest, a judge should disqualify him/herself if impartiality might be reasonably questioned. *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 7, at C(1), and p. 16, at Canon4D(1),(2), & (3) (Mar. 20, 2014).
82. An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired." *See id.* p. 3, Commentary, at Canon 2A (Mar. 20, 2014).
83. "...the judge has served in governmental employment and in that capacity participated as a judge (in a previous judicial position), counsel, advisor, or material witness concerning the

proceeding or has expressed an opinion concerning the merits of the particular case in controversy." *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 8, at (e) (Mar. 20, 2014).

C. Duty to Hear and Decide

84. "The judicial Power of the United States, shall be vested in one supreme Court,". *See* U.S. Const. Art. III, § 1. "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States ...". *See ibid.* at § 2.
85. SCOUTUS are bound by oath or affirmation to support the U.S. Constitution in charge of administrative oversight of all lower courts, including the federal district court located at 1 Courthouse Way in Boston, MA 02210. *See* U.S. Const. Art. VI, at ¶ 3.
86. "All courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders." *See* 28 U.S.C. § 452.
87. Unless disqualified, a judge should hear and decide matters assigned. *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 5, Canon 3(A)(2) (Mar. 20, 2014).
88. "A judge should accord to every person who has a legal interest in a proceeding, and that person's lawyer, the full right to be heard according to law." *See ibid.* at (4).
89. "The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Courts can be efficient and businesslike while being patient and deliberate." *See id.* p. 9, Commentary, at Canon 3A(3).
90. "In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay." *See id.* p. 10, at Canon 3A(5).

D. Ex Parte Communication

91. "... a judge should not initiate, permit, or consider ex parte communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers." *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 6, at (4). (Mar. 20, 2014)
92. "If a judge receives an unauthorized ex parte communication bearing on the substance of a matter, the judge should promptly notify the parties of the subject matter of the communication and allow the parties an opportunity to respond, if requested." *See ibid.*

E. Administrative & Supervisory Roles

93. "A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative

responsibilities of other judges and court personnel." *See Guide to Judiciary Policy*, Vol. 2A, Ch. 2, p. 7, at B(1). (Mar. 20, 2014)

94. "A judge with supervisory authority over other judges should take reasonable measures to ensure that they perform their duties timely and effectively." *See ibid.* at (4).

PART III. PLAINTIFF'S CASE & CONTROVERSY

I. BACKGROUND

95. Since 08/23/2016, Jurist Liviz has been subjected to discriminatory conduct by the Department of Children and Families of the Commonwealth of Massachusetts ("DCF") which has been given judge's stamp of approval in Care and Protection child welfare proceedings in juvenile court ("C&P").
96. Jurist Liviz's son, Ilya Liviz Jr. (presently 3.5 y.o.)²³ has been placed in temporary and subsequently permanent custody with DCF without ever giving the father a chance to "mess up"; erroneous, and non-science based allegations are rampant in these closed-doors proceedings. *See Liviz v. Supreme Judicial Court*, dk. no.1:17-cv-12345, 2018 U.S. Dist. LEXIS 58757 (D. Mass. 2018)
97. Jurist Liviz has sought motion for speedy trial, motions for abuse of discretion, and of most importance question concerning a fundamental right by motion for a jury trial;²⁴ all have been denied, without availability of redress on appeal - Jurist Liviz exhausted state appellate remedies. *See id.* and *infra* also.
98. On 01/25/17 Jurist Liviz filed his Federal Civil Complaint against Charlie Baker, Department of Children and Families, and others. *See Liviz v. Baker et al.*, Docket 1:17-cv-10130. A couple of months later father decided to re-files in State Court. *See Ilya Liviz v. Charlie Baker, et al.*, Middlesex Superior Court Docket No.1781cv00800 (2017).
99. On 03/06/17 Jurist Liviz petitions, *inter alia*, right to a jury trial to the Single Justice of SJC, pursuant to M.G.L. c. 211, §3. (Father titles the petition; "Pursuant to M.G.L. c. 211, §3, Petition Under Supervisory Power of Supreme Judicial Court for Access to a Jury Trial in Juvenile Care & Protection Proceeding"). *See Liviz v. Supreme Judicial Court supra.*

²³ The minor's information need not be redacted because SJC, by their own oversight, has made this information publically available. *See e.g.* <https://caselaw.findlaw.com/ma-supreme-judicial-court/1879627.html>

²⁴ Commonwealth offers more jury right protection than the Federal counterpart; "[a]nd no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers." *See Part The First*, art. 12. "... all suits between two or more persons ... the parties have a right to a trial by jury; and this method of procedure shall be held sacred". *See id.* at art. 15. The jury right is further secured by preventing an initiative or referendum petition to remove it. *See The Initiative II.*, § 2, at ¶ 3.

100. Jurist Liviz seeks review of SJC Suffolk with leave to submit late after the seven (7) day notice period, for first impression presentment of the jury right question of law to the full court pursuant to S.J.C. Rule 2:21; the full court deprived the Chief Jurist of his right to have the question answered again.²⁵ *See Care and Protection of a Minor*, 478 Mass. 1015 (2017).

II. DENIED ACCESS TO COURT

A. Petition for Writ of Certiorari

101. On 05/10/17 Chief Justices, as soon as he got notice of SJC for Suffolk decision, files his Petition for Writ of Certiorari with SCOTUS. *See Liviz v. Massachusetts Dept. Of Children and Families*, dk no. 16-9436, 138 S.Ct. 133 (2017)
102. Supreme Judicial Court of The Commonwealth of Massachusetts ("SJC") with no redress. *See Care and Protection of A Minor*, dk. SJC-12403 (2017)
103. The basis for the petition was for redress of error of law concerning right to a jury trial which is held sacred by state's constitution; failure to answer the question is in itself deprivation of a fundamental right that is incurable; application for writ of certiorari denied. *See Liviz v. Massachusetts Dept. Of Children and Families*, 138 S.Ct. 133 (2018)
104. Sometime in 2018, Liviz's trial concerning his right to be a parent was held before a single judge who at the end of trial placed his son permanently with DCF.
105. Liviz, without an answer as to his right for a jury trial, again submitted his second petition this time titled "Petition for Writ of Certiorari or Writ of Mandamus"; SCOTUS did not even docket it, inter alia, it stated the Petition had to be submitted as a request for either: "Writ of Certiorari" or "Writ of Mandamus", but not both together.
106. What court failed to realize or appreciate, was that the father who put the court on notice of his indigency, had no money, lack of resources (toner, printer drum, paper, postage), and more importantly was suffering from inhumane treatment by oppression from the government that was exacerbated by the courts' complete failure to help, nor recognize time is of the essence.

B. Accessibility

²⁵ A matter concerning question of law must be answered by SJC Suffolk; moreover leaving the question to review "later" exposes the court to possibly determining whether a fundamental right was deprived, which warrants future recusal due to appearance of impartiality.

107. Jurist Liviz's third petition concerning district court's refusal to assert federal jurisdiction,²⁶ affirmed by the First Circuit of Appeals was due on 01/02/2019. *See* First Circuit of Appeals dk. no. 18-1340, U.S. App. 2018 LEXIS 29380 (1st. Cir. 2018) (Judgment entered affirming dismissal pursuant to *Younger* abstention without a hearing on Oct. 2nd, 2018.)
108. Sometime at the end of 2018 Jurist Liviz called SCOTUS in attempt to find a way to submit his third petition electronically; however, there was no such availability. Jurist Liviz tried to explain the emergency and he was told by the court's clerk/agent there was no other way of initiating the matter, but to mail his petition in.
109. Jurist Liviz explained that he is a practicing attorney with a bar admission to practice before first circuit of appeals. However, there was no solution available still. Moreover, Jurist Liviz needs to go through bar application, *inter alia*, requires two attorneys who are members of the SCOTUS bar to approve him before admission; Jurist Liviz does not have access of two SCOTUS bar members who can sign the bar admission.
110. Jurist now faces impossible odds of first needing leave to submit his application late, and then again hope that his matter, which has not changed in nature from the prior denial, will be considered by SCOTUS which admits it does not hear matters to redress a wrong *per se*. *See* SCOTUS Rule 10, at last ¶; "[a] petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law."

III. FRAUDULENT LAW

A. Fake & Erroneous Precedent

111. A case was "made up" by a governmental investigation in *Amadi v. McManus* (Lynn Juvenile Court, Dk. No. 14CP00030LY) consisting of special counsel/investigators and not actual injured parties. *See Benneth O. Amadi v. Garrett McManus, et al.*, CA Nos: 16-cv-10861-NMG, Lexis 90246, WL 3814597 (D. Mass. Jul. 11, 2016); 16-cv-11901 (D. Mass. 2016); 16-1960, Lexis 27467 (1st. Cir. 2017).
112. This *Amadi* case is a "mirror" case of which was evaluating an ongoing state case concerning this jurist. *See e.g.: Liviz v. Baker et al. supra; Liviz v. Supreme Judicial Court supra; Liviz v. Department of Children and Families supra.* The case was presented with inherent errors, and most importantly fraudulent presentment of fake and made-up facts which do not represent real life environment.
113. In *Amadi* care and protection proceedings in juvenile court ("C&P") were initiated after Department of Children and Families ("DCF") removed *Amadi's* children from his custody on January 27, 2014. *See* CA 1:16-cv-10861-NMG Complaint Doc. 23 at ¶ 16. The trial on the merits commenced before defendant Hon. Judge Garrett McManus ("McManus") in

²⁶ *See Liviz v. Supreme Judicial Court*, dk. 1:17-cv-12345, 2018 U.S. Dist. LEXIS 58757 (D. Mass. 2018)

juvenile court on September 8, 2015 (emphasis added). *Ibid* at ¶ 83. The trial then continued for more than two hundred and fifty (250) days, and was still ongoing as of June 8, 2016. *Ibid* at ¶ 86. *Amadi*, predicts that the trial will need up-to or extra 366 days to conclude. *Id.* These facts show that allegedly "some-how" the trial has been ongoing for many years!

114. Although while some arguments may have been beneficial to "*Amadi*", they missed key issue that affects every other individual that finds themselves in the same predicament, *exempli gratia*, the judge was not biased against *Amadi*, but is actually inherently biased against all litigants by favoring to accept the state's (Department of Children and Families - "DCF") position.²⁷
115. The attorneys on the case are actually special counsel assigned for investigative purposes, *exempli gratia*, Nancy Benotti has a special BBO number (37,950). *See* CA 1:16-cv-16-cv-11901-NMG, at doc. 41-4, BBO number for Ms. Benotti is 37,950.²⁸ Also Brian Clerkin of Liviz's child's attorney BBO number is 86,580. *Ibid.* Timothy J. Casey has a BBO number of 077770.²⁹
116. There was an ongoing investigation, that few people were aware of; but, there were competing views whether Liviz was mentally ill, or simply telling it how it is, and is simply grieving for losing his constitutional right to be father - thus the need for a "mirror" case concerning issues with Liviz.
117. Liviz telephoned attorney "*Amadi*" to make inquire of the case; what had an "appearance" of being untrue on paper, was confirmed by the phone call - *Amadi* case is a "fake" case. *Amadi* spoke over the telephone in a nonchalant manner and with disinterest that is unlike of a father who lost rights to be a dad. Moreover, *Amadi* failed to make any comments as to typical issues someone like him would run into, *exempli gratia*, motion for abuse of discretion do not offer their purpose, appellate relief does not offer redress, DCF relies on arbitrary, capricious and whimsical decision making.
118. Liviz attempted to "intervene" pursuant to Fed. R. Civ. Pro. Rule 24 into the "mirror" case *Amadi* (No. 16-cv-11901-NMG, at doc. 42) with full knowledge it was a "fake" case. Liviz knew that it created a "cool" situation of the litigant for whom the "mirror" case has been created now wants to intervene because he is observing error within the "mirror" case from

²⁷ Care and protection juvenile court proceedings (child welfare and protection cases) hearings are held in closed doors in which the judge relies heavily on the state's (DCF) position as to what is the best interest for the child, *id est*, the system design creates an unfair treatment of the litigants; parents are presumed guilty of parental unfitness.

²⁸ In Massachusetts, when you get your BBO number, you get to sign in the famous attorney book, over time the book had to have additional pages to reflect new members to the Massachusetts Bar. Thus, numbers get "larger" with each new graduating class. Anyone who is still alive would have their BBO number in the hundred thousand range. Here, we have a very low number, because it is assigned to "special" counsel that come in to investigate.

²⁹ Attorney Casey is listed as the person submitting

which precedent will be made to control Liviz's case. It is of interest, *Amadi* recently filed a Motion for Reconsider, but failed to recognize the standard for that motion requires presentment of new evidence that was otherwise not available previously, *id est*, adjusting to the strategy chosen by this *jurist*.

119. At present, and the cause of case & controversy, *Amadi's* case and appeal results, created *precedent* which pursuant to *stare decisis* district court must follow; this jurist had his case dismissed because of *Amadi's* precedent. See *Ilya Liviz v. Supreme Judicial Court of The Commonwealth of Massachusetts* CA 1:17-cv-12345 Doc. 57 Memorandum and Court Order of Honorable Judge Casper p. 5 (Supporting her decision by referring several times to; "*Amadi v. McManus*, No. 16-cv-10861-NMG, 2016 WL 3814597, at *4 (D. Mass. July 11, 2016), *aff'd*, No. 16-1960, 2017 WL 7048503 (1st Cir. Oct. 16, 2017)... *Amadi*, 2016 WL 3814597 at *4... *Amadi*, 2016 WL 3814597 at *4.") (Case dismissed without a hearing.)

B. Example Transcript Issue³⁰

120. Things on video become more obvious because there is a presence of more "facts" on which to base an opinion on; nevertheless, this jurist is able to decipher unnatural behavior that are unlikely to occur in a typical court room environment.
121. The pro se father introduces himself, and his "side counsel" introduces the court with a reminder of his role as "side counsel" and then there is a confusion as to the name of whom he is "side counsel", which the court questions and "side counsel" has to repeat. This would not happen in court because the side counsel would be standing next to the father and it would be readily obvious. In other words, it is more likely that the record would have confusion because the parties would fail to record accurately of the relationship because it would be obvious to everyone that counsel standing next to father is his counsel. See *Amadi v. McManus*, dk. 1:16-cv-11901-NMG, Doc. 17-1, p.2, Vol. III at lns. 19-25.
122. The Court is still addressing "father's request" without communicating to father and side-counsel who are before him; there is a sense of making reference to outside of activity. See *id.*, p. 3, Vol. III at ¶ 1.
123. The court notes; "[a]llowed for video recording" (something this *jurist* wanted to have access to), with a confusing "no -- 'audio recordings only.'" This is confusing, with little interaction between *Amadi* with side-counsel and the court. See *id.* p. 3, Vol. III at ¶ 2.
124. There is a discussion "... about whether or not father would be *pro se* or whether or not he was going to have the assistance of [side-counsel] ...". The Court answers the question (without asking the alleged father or the side-counsel) "[f]ather is primary on this, and there's no question in my mind." See *id.*, p. 4, lns. 9-15. This is almost impossible to occur, and would be very disrespectful to the alleged side-counsel who is standing next to

³⁰ The beautiful thing about this case, *arguendo*, if it can happen once, **it can happen again**; sufficient reason to have video recordings of all proceedings for protection of litigants. (Boom.)

father before the court; the obvious is this is a "mirror" case that was talking about the "real" father in a separate proceeding.

125. The guy that doesn't know how to "cross-examine" (*id.* p. 4, Vol. III ln. 24 - p. 5, ln. 2), has a heart of gold, and I would rather have him stand by me than anyone else; moreover I rather give him the opportunity. Thus, a first of its kind novel presentment of 3rd party communication via federal complaint against SCOTUS. *See* immediately *infra*.
126. The argument presented to the court and properly denied by the court; "... that Department took [*Amadi's*] children because [his] a man" does not have factual support. *See id.* p. 10, Vol. III at lns. 7-8. Just because the child was removed, and father is of different sex than the majority of parents who raise their children, does not give rise to gender discrimination. Even if there was presence of such, the argument takes away from the stronger argument that the department lacked the ability to show *Amadi* would put his child/ren at risk of abuse or neglect if he was given the children under CRA or other court-observed option. Video could shed light if *Amadi* erroneously pressed on the court wrong choice of argument.
127. Note: there is presentment of erroneous law and highly unlikely statements, *exempli gratia*; "[t]he Department is going to be presenting evidence, and you're going to be attempting to persuade the Court that the evidence is insufficient (*id.* p. 12, Vol. III at lns. 7-9) (trial on the merits is based on clear and convincing standard)³¹; "I was told in May that they took my children because I'm a man" (*ibid.* at lns. 16-17) (highly unlikely and weird statement)³² but, for purposes the transcript is used here (support there is a mirror case) is not necessary to look for; "mandated reporters' identities are confidential" (*id.* p. 13, Vol. III at lns. 10-11) (this is not true; however if the mirror case has issues concerning executive privilege, they may not have full disclosure).
128. It is interesting to see the court state; "[t]he record is made. It's here in writing. In the event that this matter is appealed, the Appeals Court gets this. So we have the record." *See id.* p. 10, Vol. III at lns. 17-19. It is funny that they are going to get the "record" that they are allegedly making in the courtroom!? "If you want to appeal this one, you can get a copy of this tape as well, and ... ". *See id.*, p. 15, Vol. III at lns. 22-23.
129. *Amadi's* statement; "[i]f the stage was wrongfully set, the case is based on nothing", shows (no disrespect - you have your talents) that *Amadi* is missing the point; as McMannus states, it is only used to set the stage and does not come in as evidence. *See ibid.*

³¹ It is of interest, a mirror case could determine if the evidence is sufficient to present to the fact finder; if not a dismissal is warranted otherwise a harder abuse of discretion will need to be used to review the fact finder's decision.

³² To some extent, such discrimination does not even exist; what is more likely, *exempli gratia*, in the face of alleged domestic violence accusations without ability to prove for sure who is the true victim, a man may experience discriminatory assumption as perpetrator of abuse, and it would be presented as such.

130. The alleged father, *Amadi*, is standing right there, yet both counsel, *Amadi* and Ms. Benotti are referring to father in 3rd person in regards to motion practice concerning the "real" father. *See id.* p. 16, at lns. 15-25.
131. McMannus responds to *Amadi's* attempt to pierce attorney client privilege with asking *Amadi* to prove it at trial if he can and further stating in violation of Code on Judicial Conduct; "I do need to tell you, though, okay, that Attorneys Benotti and Koral, in the 15 and 20 years that I have known them, have been nothing but ethical." *See id.* p. 20, at lns. 5-8. The court is testifying as to the possible witnesses character; while speaking of ethics presents an ethical dilemma warranting recusal. There is back and forth talk that seems on paper like unlikely communication that follows to the next page.
132. McMannus clearly has *ex parte* communications with mother's attorney Nancy Benotti, *exempli gratia*, court states "[t]ake me up.", and when there was no response, the court had to first get counsel's attention "[a]ttorney Benotti ... Take me up. We're done." *See id.* p. 22, lns. 4-9. This analysis is not as obvious and may have various versions; a video would easily confirm if the court was accompanied by special counsel (did not say "thank you" may be because she accompanied her *ibid.*).

C. False Representation of Real Facts

133. The availability of "mirror" case for DOJ or other state investigative law enforcement, is a great tool; however, because we now know about it, and it in fact creates "fake" cases, due process requires that the "fake" case has at the very least their facts right, which is not possible unless it includes the real parties. This jurist's case (*Liviz v. Supreme Judicial Court of the Commonwealth supra*) was thrown out based on *Amadi's* erroneously created precedent.
134. Although while some arguments may have been beneficial to "*Amadi*", they missed key issue that affects every other individual that finds themselves in the same predicament, *exempli gratia*, the judge was not biased against *Amadi*, but is actually inherently biased against all litigants by favoring to accept the state's (Department of Children and Families - "DCF") position.³³

PART IV. NATIONAL CASE & CONTROVERSY

I. DEPRIVATION OF ACCESS TO COURT

A. Administrative Denial

³³ Care and protection juvenile court proceedings (child welfare and protection cases) hearings are held in closed doors in which the judge relies heavily on the state's (DCF) position as to what is the best interest for the child, *id est*, the system design creates an unfair treatment of the litigants; parents are presumed guilty of parental unfitness.

135. The court limits cases that can be heard on appeal pursuant application for writ of certiorari; "[r]eview on a writ of certiorari is not a matter of right, but of judicial discretion. *See* SCOTUS Rule 10, at ¶ 1. "A petition for a writ of certiorari will be granted only for compelling reasons." *See ibid.*
136. "A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or *the misapplication of a properly stated rule of law.*" *See* SCOTUS Rule 10, at last ¶. (Boom.)
137. "If the Clerk determines that a petition submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency." *See* SCOTUS Rule 14, at no. 5.

II. UNEQUAL BENEFITS FROM FEDERAL LAW

138. When things get processed quicker, and less time is spent on fixing jurisdictional circuit splits, U.S. Commerce will immediately benefit from greater speed of uniform flow among the states; result will lead to greater National GDP, stronger economy, and increase in population morale. *See* Pub. L. 89-554 (1966).

A. Petitions for Writ of Certiorari

139. "All courts of the United States shall be deemed always open for the purpose of filing proper papers, issuing and returning process, and making motions and orders." *See* 28 U.S.C. § 452.
140. Very few Petitions for Writ of Certiorari are granted. The type of cases that gets heard leaves the "little" guy out of the picture. Moreover, the exact reasons and decision-making behind selecting one petition over another are kept hidden from the public unjustly.
141. Without having access to the decision-making held in secret behind closed doors during the SCOTUS conferences, pursuant to *Ashcroft- Twombly*, the litigants will not be able to plead a cognizable claim that meets requirements of Fed. R. Civ. Pro. Rules 8(a)(2), for a short and plain statement of the claim showing that the pleader is entitled to relief, nor pursuant to Fed. R. Civ. Pro. Rules 12(b)(6), allege a plausible claim upon which relief can be granted; all litigants seeking redress with SCOTUS are left to guess what, if anything, was erroneously relied upon or discriminated against in selection of one application for writ of certiorari over another. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, at [*557] (2007) (conclusory allegation at some unidentified point does not supply facts adequate to show the alleged wrong). *See also Ashcroft v. Iqbal*, 556 U.S. 662, IV(A), at ¶ 6 (2009) (legal conclusion is not entitled to an assumption of truth).
142. Unless the public has access to decision making there is no way of checking or looking to see what, if any, discriminatory practice has been ongoing. Whether there is good behavior or questionable behavior is not possible to determine without having access to this unjustly held in secret information that is of great public importance.

B. Circuit Splits

143. Presently some of the federal law is different or differently applied based on circuit split decisions. Citizens have the right to equal protection and equal application of the laws.
144. Using a Lexis Advance Research tool to search "court or circuit w/s split and date aft 8/2016", which produced unequal application and/or protection of laws that various based on the location of residence. *See e.g. Perez v. Abbott*, 250 F. Supp. 3d 123, at [**34] (5th. Cir. 2017) ("Supreme Court has not addressed coalition districts, the Fifth Circuit has expressly permitted them, and the Second, Ninth, and Eleventh Circuits have tacitly recognized them. Only the Sixth Circuit has expressly denied § 2 protection to a combined group of minorities under the first *Gingles* requirement"; *Payne v. Tri-State Careflight, LLC* 2018 U.S. Dist. LEXIS 1638 at [*68] (D.N.M. 2018) (Different standards for determining need for class certification versus individual trials.); *etcetera*.³⁴
145. Without uniformity in the federal law, it is facially conclusive there is lack of equal protection of the laws that range from one citizen to another based on circuit jurisdiction.

C. People's Right May Be Decided By Fake Cases

146. Case-law is used and applied to cases before the court. If some of the cases are not based on real facts/litigants than there is unequal treatment of litigants. Some have the benefits of having case-law that is based on real facts/litigants applied, and others don't.
147. Without knowing which cases are based on real versus fake facts/litigants it is impossible to determine the accuracy of one versus the other at achieving correct result. Moreover, it is impossible to determine the prevalence or amount of inaccuracy or error of one versus the other.
148. Application of case-law loses its integrity if the courts are free to create law as they please.

III. CONFLICT OF INTEREST

A. Self Serving Policy & Rule Making

149. The Director (appointed by Chief Justice) who plays a crucial role in the management and policy improvement made the following response to the proposed Judicial Transparency and Ethics Enhancement Act of 2017 (IG bill); "...why we believe an Inspector General (IG) over the Judicial Branch and yet additional whistleblower litigation options are not only unnecessary, but would themselves constitute an unwarranted and unjustifiable expense of public funds." *See James C. Duff, Director of Judicial Conference of the United*

³⁴ The veracity of the difference between law among circuits is not at issue; the mere presence of it creates a duty on SCOTUS to rectify to cure unequal application of the law.

States, letter to Honorable Charles E. Grassley, Chairman Committee on the Judiciary of the United States Senate, p.1, in ¶ 2 (Jan. 22, 2018).³⁵

150. The Director justifies his position by pointing to the Chairman; "[g]iven that the extensive internal controls are already in place in the Judicial Branch, any other approach would not improve oversight and would only create substantial additional public expense." *See ibid.* in ¶ 3.
151. Director claims; "... the Judicial Branch modeled its EDR whistleblower protection provision directly on the Whistleblower Protection Act of 1989, 5 U.S.C. § 2302(b)(8) (WPA) covering Executive Branch employees." However, we all know from grade-school if you tell a bully to not retaliate when the victim reports them, the "bullying" does not stop, it just takes on a different form. *See id.* p. 4, at ¶ 2.
152. The Director points out several solution options, *exempli gratia*; "[t]he Chief Justice of the United States can resolve any potential conflicts by transferring complaints to different circuits. *See id.* p. 6, at ¶ 2.
153. The Director concludes; "[t]he imposition of an Inspector General's investigatory powers and procedures overlapping the Judicial Branch's already functioning process is unnecessary and would only add procedural and constitutional attacks in collateral litigation by investigated judicial officers." *See id.* p. 7 (Jan. 22, 2018).
154. With all due respect; but, the Director's letter, in essence, is nothing more than a recitation of self-regulating (referring to oversight maintained by the same judicial branch) procedure/safe-guards in place. Mr. Chairman could have found this information himself, without the need of the self-serving letter. THE KEY here, is that there is no mention as to how does the employee/whistleblower (the "victim",) feel about the present policy by which the Director swears by. Moreover, what, if anything, do the victims feel there is missing or needs improving.
155. Simply stated, Chairman of Committee on the Judiciary was seeking to provide independent oversight; and the entity that is opposing the oversight, is the entity which is being put to question. It would not surprise me, if we do a simple poll of the possible "victims" (whistle blowers), that we would get an obvious result; victims are more likely to report issues to an entity or governing body, that is outside of the judiciary branch, such as the senate.
156. The Chief Justice did a good job by initiating a Work Group study that provided some valuable results. However, the study did not address issues like fraud. Nevertheless, it does corroborate what this jurist is claiming; "[a]s explained below, the Working Group found that the Judiciary must both reduce barriers to reporting and provide alternative

³⁵ *See*

https://www.uscourts.gov/sites/default/files/workplace_conduct_working_group_final_report_0.pdf

avenues for seeking advice, counseling, and assistance." *See* Report Of The Federal Judiciary Workplace Conduct Working Group, to Judicial Conference of The United States. p. 12, at ¶ 2. (Jun. 1, 2018).³⁶ In other-words, even though this Work Group study focused on harassment/hostile work environment, victims are still concerned with retaliation and future; issue that was not addressed/ignored.

B. Driving The Point Home

157. The separation of power is very important for the checks and balances within a system, *exempli gratia*, security of the judiciary for staff and court house, for their own benefit, acquires assistance from other branches of government; "[t]he judiciary owes special thanks to the United States Marshals Service and the General Services Administration (GSA)... [inter alia] the Marshals Service provides security for judges and staff. Deputy marshals and court security officers around the country safeguard our facilities and our people. The GSA ... [help] confront flooding, mold, damage to power generators, and the inherent challenge of operating when public electric and water services are unavailable." *See* Chief Justice John Roberts, *Year-End Report on the Federal Judiciary*, at Appendix 2, p. 9, at ¶ 2 to p. 10. (2017).³⁷
158. Imagine, as Director did in his letter to Chairman Charles E. Grassley, the services from the executive branch (U.S. Marshal Services and GSA) would be denied because of analogous explanation, *exempli gratia*, "approach would not improve oversight and would only create substantial additional public expense". *See* Director James C. Duff's letter to Chairman Charles E. Grassley *supra*. (Real talk.)

IV. TORT ACT

159. "The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances ...". *See* 28 U.S. Code § 2674 Tort Claims Act against the United States is initiated within two years, without notice to agency because injury is ongoing. *See* 28 U.S. Code § 2401.

PART V. CLAIMS OF ACTION

COUNTS I - III

(Violation of 1st, 5th, 6th, 9th, 10th, & 14th Amendments for Due Process Counts: I) Right To Fair and Impartial Trial; II) Procedural Due Process Rights; III) Right to Equal Protection of The Law.)

³⁶ *See*

https://www.uscourts.gov/sites/default/files/workplace_conduct_working_group_final_report_0.pdf

³⁷ *See id.*

160. Liviz incorporates and re-alleges all of the aforementioned and foregoing allegations herein.
161. Right "... to petition the Government for a *redress of grievances*." See Amend. I. (Boom.)
162. "... *nor be deprived of life, liberty, or property, without due process of law*; nor shall private property be taken for public use, without just compensation. See Amend. V. (Boom.)
163. "In all criminal prosecutions, the accused shall enjoy the right to... *public trial* ... to be *informed* of the nature and cause of the accusation...". See Amend. VI. (Boom.)
164. "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." See Amend. IX.
165. "The *powers not delegated* to the United States by the Constitution, nor prohibited by it to the States, are *reserved* to the States respectively, or *to the people*. See Amend. X. (Boom.)
166. "... nor deny to any person within its jurisdiction the equal protection of the laws." See Amend. XIV.
167. Justice Roberts of SCOTUS has a duty of assuring just administration within all inferior courts is fair and just. When necessary to make orders to the Director or form special/standing committee to tackle issues and resolve them.
168. The SCOTUS rules blatantly admit that redress will not be given to wrongs. This means there is only one level of appeal available to some litigants in district court.
169. Litigants are left to guess what, if any, injustice or discrimination is taking place behind closed doors. Some litigants are selected over others, which leaves many to hope for "chance" relief.
170. Based upon the acts described *supra*, the Justice Roberts and/or SCOTUS knowingly allowed, failed to take necessary measures, and/or failed to recognize the possibility of here-in described issues, errors, fraudulent presentment of property that controls administration of justice in violation of constitutional due process fair and meaningful access to the courts.

COUNTS IV-VII

(Civil Rights Violation Deprivation of Due Process: IV) Right To Fair and Meaningful Access to Court of Law; V) Equal Application of Laws; VI) Failure to Intervene and VII) Obstruction of Justice & Violation of Right of Access to the Courts.)

171. Liviz incorporates and re-alleges all of the aforementioned and foregoing allegations herein.

172. Discriminate use of video court recordings, selective approval of applications for writ of certiorari, and availability of different federal law based on circuit jurisdiction unfairly discriminates one pool of litigants over another; a violation of equal protection of constitutional right to due process access to a court of law in violation of 42 U.S.C. § 1983.
173. Jurist Liviz, and all other litigants that seek redress from SCOTUS, are deprived constitutional right to due process and equal protection of the laws which will continue to repeat itself unless defendants are enjoined from allowing such fraudulent and unfair procurement of precedent through unlawful means in violation of the in violation of 42 U.S.C. § 1983.
174. As a result of Defendants' failure to intervene to prevent the violations of plaintiff's rights, plaintiff suffered pains and injuries, as well as emotional distress. These defendants had ample and reasonable opportunities and the ability to prevent the violations, plaintiff's sufferings and harms, but they failed to prevent the violations, plaintiff's suffering and harms, but they failed to do so. Defendants' conducts are objectively unreasonable and were undertaken intentionally, with malice, reckless indifference to the rights of the plaintiff, and in total disregard to plaintiff's sufferings and the laws and the constitution.
175. Jurist Liviz avers that one of the fundamental rights protected by the Constitution is the right of access to the Courts, which lies in the foundation of orderly government, and is guaranteed by the U.S. Constitution.
176. Defendants are acting, and they have acted, to deprive and deny plaintiff of his legal access to the courts and to obstruct justice in violation of 42 U.S.C. § 1985(2).
177. Defendants' conducts caused, and still continues to cause, plaintiff loses and damages, pains and anguish, humiliation, emotional distress and physical distress.

COUNTS VIII

(Breach of Implied Warranty and Fair Dealing)

178. Jurist Liviz incorporates and re-alleges all of the aforementioned and foregoing allegations herein.
179. Jurist Liviz and the district court's administrative function entered into an agreement. The clerk charges fee to appeal or petition SCOTUS. *See* 28 U.S. C. § 1911
180. The fees and costs to be charged and collected in each court of appeals shall be prescribed from time to time by the Judicial Conference of the United States. Such fees and costs shall be reasonable and uniform in all the circuits." *See* 28 U.S. C. § 1913
181. "The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing

fee of \$350, except that on application for a writ of habeas corpus the filing fee shall be \$5." *See* 28 U.S.C. § 1914(a)

182. Judiciary has many ways to charge litigants, and it does so at every step of the litigation. *See* 28 U.S.C. §§ 1911-1932.
183. Jurist Liviz was able to have waiver of fees, nevertheless there were still associated to court fees, such as cost of Pacer, and other incidental fees. Jurist Liviz was also subjected to repetitive filling and re-filling of documents related to access to court; single document with a promise to update under pains and penalty of perjury would be sufficient and more simplified - reducing clutter and saving judicial wasting.
184. Because there is an exchange of value for serves, there is consideration for a contract. Jurist Liviz must abide with the rules, and as long as he does, there is an implied contract that the administration of the court will be provided fairly and equally as it is required to do so for all.
185. Because the court relied upon fraudulent outside case to apply to Liviz's case, the implied covenant of fair dealing was breached. The breach is ongoing, and will deprive Liviz the benefit of again unless the court shall enter an injunction to prevent such conduct.
186. Jurist Liviz's matter was thrown out based on fake legal opinions issued by the court house which charges "admission" fee. The court breached its duty to fair and just administration within the court when it allowed reliance on fake legal opinion; doing sue is a substantial and material breach that amounts to denial of access to fair and meaningful court of law. Moreover, the presence of fake legal opinion means there will be unequal application of the law; an equal protection violation that is a direct result of the implied warranty of fair dealings breach.

COUNTS IX

(Violation of Federal Tort Claims Act)

187. Jurist Liviz incorporates and re-alleges all of the aforementioned and foregoing allegations herein.
188. Under the Federal Tort Claims Act ("FTCA") Federal agency includes the judicial branch. *See* 28 U.S.C. § 2671.
189. The FTCA prerequisite for money damages requires; "the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail." *See* 28 U.S.C. § 2674(a). However, it is not applicable to this case, inter alia, redress limited to declaration and injunctive relief which would address the Primary Theory for Claim of Action *supra*.

190. "The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances...". See 28 U.S.C. § 2674, at ¶ 1.
191. "The United States shall be entitled to assert any defense based upon judicial or legislative immunity which otherwise would have been available to the employee of the United States whose act or omission gave rise to the claim, as well as any other defenses to which the United States is entitled." See *id.* at ¶ 2.³⁸
192. Application of *Liviz* Judicial Immunity doctrine (*Ilya Liviz v. Supreme Judicial Court of The Commonwealth of Massachusetts*, dk. 18-1340 1st. Cir. 2018) determined Defendants enjoy benefit from judicial immunity; thus, the complaint appropriately seeks only declarative and injunctive relief.
193. Congress has recognized presence of fraud warrants greater protections; "[s]ubject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, *except when procured by means of fraud.*" See 28 U.S.C. § 2672. (Boom.)

PART VI. RELIEF REQUESTED

For the reasons set forth above, Jurist Liviz respectfully requests this Court to find Chief Justice in his official capacity has damaged the United States Government, integrity of the judiciary, and availability of due process fair and meaningful access to the court for the people of the United States. The Chief Justice as head of the judiciary plays a key role in proposing and approving rules of the Supreme Court of the United States. Either by violation, or through omission, unlawful conduct has been maintained as general practice without change. As result of the aforementioned deprivation of fundamental right, award appropriate relief that is fair and just pursuant to Act/s of Congress and the U.S. Constitution.

The aforementioned is true, and correct, to the best of my knowledge, recollection, and interpretation. Signed under pains and penalty of perjury on this third day of January in the year of 2019 of our Lord.

Respectfully submitted,

/s/ Ilya Liviz D.L.D. Date: 01/03/2018

FOR THE PEOPLE
by
JURIST FOR JUSTICE
of
UNITED STATE OF AMERICA

/s/ Ilya Liviz D.L.D.
Chief *Jurist* for Justice and Advocate
for Civil Rights & Civil Liberties
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³⁸ A paragraph ("¶") represents three lines or more; thus the first five lines of 28 U.S.C. § 2672 represent ¶ 1.

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and regular email to the department of justice and SCOTUS.

Dated: 01/03/2019

/s/ Ilya Liviz D.L.D.
Chief *Jurist* for Justice and Advocate
for Civil Rights & Civil Liberties